



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/573,186

03/23/2006

Alessandro Spaggiari

27277U

4877

20529

7590

01/21/2009

THE NATH LAW GROUP

112 South West Street

Alexandria, VA 22314

EXAMINER

LE, DANG D

ART UNIT

PAPER NUMBER

2834

MAIL DATE

DELIVERY MODE

01/21/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/573,186	Applicant(s) SPAGGIARI, ALESSANDRO	
	Examiner Dang D. Le	Art Unit 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-9 and 11 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,4,7-9 and 11 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/23/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it contains the word “comprises” at line 2 and is not in a separate page. Correction is required. See MPEP § 608.01(b).

Claim Objections

2. Claim 4 is objected to because of the following informalities: replace “any of the foregoing claims” with – claim 1 --. Appropriate correction is required.
3. Claim 11 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 11 refers to the accompanying drawings.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

Art Unit: 2834

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 4, 7, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. (6,198,189) in view of Smith (6,485,028).

Regarding claim 1, Takahashi et al. shows an electric motor comprising a casing (23) in which there is a stator and a rotor (28, 30) mounted on a shaft (20), the casing (23) comprising a cup-shaped part and a lid (13) connected to one another with removable connecting devices, and a static seal (35) inserted between the cup-shaped part and the lid, the seal presenting an O-ring seal positioned in a seat in the lid or in the cup-shaped part except for retaining means so that it remains applied to one of the elements, either the lid or the cup-shaped part; the electric motor being characterized in that the seal retaining means are rings each of that connected to the seal by two sections.

Smith shows a retaining means (32) so that it remains applied to one of the elements; the electric motor being characterized in that the seal (15) retaining means (32) are rings each of that connected to the seal (15) by two sections (Figures 2 and 3) for the purpose of retaining the seal in place.

Since Takahashi et al. and Smith are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include retaining means so that it remains applied to one of the elements, either the lid or the cup-shaped part; the electric motor being characterized in that the seal retaining means are rings each of that connected to the seal by two sections as taught by Smith for the purpose discussed above.

Regarding claim 4, Smith also shows the seal (15) retaining means (32) operate in conjunction with fixing means (recess 25).

Regarding claim 7, Takahashi et al. also shows the rings (35) being close to the devices connecting the cup-shaped part (23) and the lid (13), the latter respectively having protrusions (near 39) in which the connecting devices, the rings and the pins are located.

Regarding claim 9, Smith also shows the rings (32) are connected to the seal (15) by sections and the rings and the sections being made with a diameter (d) smaller than, or are thinner than, the diameter or the thickness of the seal, so that they do not interfere with seal compression.

Regarding claim 11, Smith also shows the electric motor and method for assembly of the motor as described and illustrated with reference to the accompanying drawings and for the above-mentioned aims.

Art Unit: 2834

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. in view of Smith and further in view of Khazanov et al. (5,616,973).

Regarding claim 8, the machine of Takahashi et al. modified by Smith includes all of the limitations of the claimed invention including the rings (30) being integral with the seal (15) except for the seal being made of elastomeric material.

Khazanov et al. shows the seal (52) being made of elastomeric material for the purpose of increasing tightness.

Since Takahashi et al., Smith, and Khazanov et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use the seal being made of elastomeric material as taught by Khazanov et al. for the purpose discussed above.

Allowable Subject Matter

8. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: the record of prior art does not show the fixing means being pins which have a diameter slightly larger than that of the ring internal hole, so that the ring adheres to the pin thank to the elasticity of the material used to make the ring as recited in claim 5 or the fixing means being pins which have a truncated cone profile or a circumferential

Art Unit: 2834

cavity with a diameter slightly larger than that of the ring internal hole, so that the ring adheres to the pin thanks to the elasticity of the material used to make the ring as recited in claim 6.

Information on How to Contact USPTO

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D. Le whose telephone number is (571) 272-2027. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quyen Leung can be reached on (571) 272-8188. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dang D Le/
Primary Examiner, Art Unit 2834

1/12/09